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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/217,116 12/21/98 THOMPSON

R 98-40287--US

DANIEL H GOLUB
REED SMITH SHAW & MCCLAY
2500 ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA PA 19103-7301

LM12/0519

EXAMINER

LE, U

ART. UNIT	PAPER NUMBER
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2771

DATE MAILED:

05/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/217,116

Applicant(s)

THOMPSON ET AL.

Examiner

Uyen T Le

Art Unit

2771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☒ Notice of References Cited (PTO-892)
- 15) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other: _____.

Art Unit: 2771

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: at numerous instances, the numerals used in the specification do not match the elements shown in the drawing. Some examples are:

- numeral 56 is used to designate client organization at page 13, line 31. However Figure 1 shows numeral 56 as comprising elements 12, 14, 16 and 18;
- according to page 14, lines 9-10, client organization 56 has computer 54 and Internet access 12. However, Figure 1 shows numeral 56 as excluding computer 54 and including 12, 14, 16, 18.
- at page 20, line 2, numeral 20 is used to designate a substitute worker. However, Figure 1 shows numeral 20 as a home base computer.

Applicant is required to review discrepancies in the specification and drawings for the whole document and make appropriate correction.

Drawings

2. The drawings are objected to because at numerous instances, reference numerals do not match the descriptions given in the specification. An example is numeral 20 used to designate a substitute worker at page 20, line 2. However, Figure 1 shows numeral 20 as a home base computer. Applicant is required to review all figures and make appropriate correction.

Claim Rejections - 35 USC § 112

Art Unit: 2771

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11, line 2 recites "said database". It is not clear to which database claim 11 refers to. Note parent claim 1 has both central database and local database.

The art rejection of claim 11 is applied as best understood in light of the rejection under 35 U.S.C. 112, second paragraph discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al (US 6,049,776), in view of Srinivasan (US 5,548,506), further in view of applicant's admitted prior art (AAPA) at pages 1-8.

Regarding claim 1, Donnelly discloses a computer-implemented system for human resources management (see the abstract, Figure 1). The claimed central server and central database read on element 11. The claimed plurality of local processors each

Art Unit: 2771

associated with a different organization having a separate local database is met by element 22. Clearly, the central database maintains records in parallel with the local databases (see column 8, lines 15-23). Donelly explicitly shows that the databases identify human resources associated with skills and availability (see column 9, lines 35-47). The claimed telephone communication link is clearly present in the system of Donelly since all records contain a field for telephone number (see columns 10-11). Although Donelly does not specifically show that the central server periodically transmits reports to each of the different organizations, it is well known in the art as shown by Srinivasan to do so in order to communicate updated information to the local databases (see the abstract). Furthermore, AAPA shows that there exists a substitute teacher system to manage teacher's substitution for school systems (see pages 1-8). Since the system of Donelly identifies workers with associated skills and availability, it would have been obvious to one of ordinary skill in the art to use the system to report absentees and to find substitute workers as shown by AAPA in order to provide a centralized control over human resources for a plurality of organizations.

Claim 2 merely reads on the resume file 83 containing employee's data (see column 11, lines 41-49). Since the system of Donelly identifies workers with skill levels, it would have been obvious to one of ordinary skill in the art to include substitute selection information in order to match workers possessing identical skill levels to replace absentees.

Art Unit: 2771

Regarding claim 3, although Donelly does not explicitly show that each worker record includes entitlement information and historical information for absences and substitute fulfillment events, clearly such information has to be recorded in order to submit to the department of human resources for administrative purposes. Therefore, it would have been obvious to include the claimed features into the system of Donelly in order to pay workers, monitor cost and plan the work force.

Claim 4 merely reads on the fact that resume file 83 contains employee's data (see column 11, lines 41-49). Therefore, it would have been obvious to one of ordinary skill in the art to include data for substitute worker in order to find workers possessing identical skill levels to replace absentees.

Regarding claim 5, although Donelly does not specifically show that said organizations are unaffiliated, one of ordinary skill in the art would certainly consider using the system for unaffiliated organizations in order to provide a centralized human resources management system servicing a plurality of organizations.

Regarding claim 6, although Donelly does not explicitly show that the telephone link includes a plurality of phone lines that may be accessed simultaneously by a plurality of organizations and workers, AAPA shows that typical existing system equipment for substitute fulfillment includes multiple phone lines (see page 6, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art to use multiple phone lines in the system of Donelly in order to make the system accessible to a plurality of users.

Art Unit: 2771

Regarding claim 8, Donelly shows that each employee has a fax number (see column 11, lines 18-24, 42-48). Therefore, it would have been obvious to one of ordinary skill in the art to have the central server communicate by facsimile to organizations in the system of Donelly in order to benefit from readily available communication means.

Claim 9 merely reads on the fact that the resource management system and users communicate over the telephone.

Regarding claim 7, although Donelly does not explicitly show a web site interface, it would have been obvious to one of ordinary skill in the art to include one in order to allow users to communicate over a communication network.

Regarding claim 10, official notice is taken that it is well known in the art to use an automated telephone attendant. Therefore, it would have been obvious to one of ordinary skill in the art to include an automated telephone attendant in the system of Donelly in order to assist callers at any time.

Regarding claim 11, since the system of Donelly manages human resources, it would have been obvious to one of ordinary skill in the art to include master records including identification, billing and contact for tracking cost.

Regarding claim 12, official notice is taken that it is well known in the art to download data and applications on the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to include a link to a downloadable substitute fulfillment data entry and electronic communications computer application as claimed in the

Art Unit: 2771

system of Donelly in order to allow users to download forms and access the human resources management system through the Internet.

5. Claims 13-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (AAPA) at pages 6-8, in view of Srinivasan (US 5,548,506).

Claim 13 merely reads on the existing automated teacher substitute system admitted by applicant at pages 6-8. The system is located at the school district level remotely from the school, stores records of substitute teachers, notifies the system of teacher's absence, automatically identifies substitute teachers, notifies personnel of results. The difference is the system does not automatically contact potential substitute workers as claimed. Srinivasan discloses a project management system that automatically reallocates critical resources (see the abstract). Therefore, it would have been obvious to one of ordinary skill in the art to modify the prior art substitute system by automatically contacting potential substitute workers serially and relaying a replacement request until one substitute agrees to cover an absentee or until the list of substitute is exhausted in order to allow multiple organizations to automatically manage human resources using a single centralized database as taught by Srinivasan.

Claim 14 merely reads on the fact that substitute workers preferably possess the qualification of the workers they replace as admitted by the applicant at page 3, lines 29-33. Therefore, it would have been obvious to one of ordinary skill in the art to include

Art Unit: 2771

worker data records and substitute worker data records in the prior art substitute system in order to match workers with the same qualification for replacement.

Regarding claim 15, although AAPA does not show the steps of entering data and digitally transmitting said data to the substitute fulfillment system, it is well known in the art to locally enter data to a computer and digitally send to a remote system as shown by Srinivasan (see Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed steps while implementing the method of the prior art in order to allow a plurality of organization to send substitute information to the main database.

Regarding claims 16-18, it is well known in the art to register for service. Therefore, it would have been obvious to one of ordinary skill in the art to include registering with said substitute system electronically through a web site on the Internet in order to benefit from the availability of Internet communication.

Claim 19 merely reads on the fact that a teacher "calls in sick" (see page 5, line 4).

Regarding claim 20, although AAPA does not show the step of notifying said substitute system through a web site interface, it is well known in the art as shown by Srinivasan to interact with the automated project management system by a messaging system such as electronic mail, fax, etc. (see the abstract). Therefore, it would have been obvious to one of ordinary skill in the art to include notifying said substitute system

Art Unit: 2771

through a web site interface in order to allow workers to report absences through email as taught by Srinivasan.

Claim 21 merely reads on the fact that once a teacher "calls in sick", individual schools in the district access the substitute fulfillment system through a dial-up connection with a modem from a computer located at the school (see page 6, lines 26-32).

Claims 22-24 merely read on the fact that qualifications of an absent worker are matched with substitute worker records to retrieve potential substitute workers.

Claim 25 merely reads on the fact that the substitute system receives absentee's notification and informs the organization by electronic mail as taught by Srinivasan (see the abstract).

Claim 26 merely reads on the fact that the substitute worker receives instructions for reporting to work.

Claim 27 merely reads on the fact that the absent worker and substitute worker communicates. Although AAPA does not specifically show such a feature, one of ordinary skill in the art would certainly consider this alternative since it is the simplest way to find a substitute worker.

Claim 28 merely reads on the fact that results of the substitution is sent by facsimile to the requesting organization. Srinivasan clearly teaches the use of facsimile for communication (see the abstract). Therefore, it would have been obvious to one of

Art Unit: 2771

ordinary skill in the art to send the result by facsimile to benefit from readily available equipment.

Claim 29 merely reads on the fact that workers need be paid. Therefore, it would have been obvious to one of ordinary skill in the art to include maintaining entitlement balances for workers in the method of AAPA.

Claim 30 merely reads on the fact that each school maintains its teacher information. Clearly, one of ordinary skill in the art would contemplate maintaining AAPA school information in local databases for tasks not involving the central remote system.

Claim 31 merely reads on the fact that the substitute fulfillment information at the district system database is updated.

Regarding claims 32, 33, since statistics on the substitute fulfillment system is useful to organizations, it would have been obvious to one of ordinary skill in the art to include the steps of aggregating historical substitute fulfillment data for organizations in the method of AAPA in order to plan ahead and take appropriate actions.

Claims 34, 35 merely read on the fact that statistical data is analyzed and the results derived from the analysis is reported.

Claim 36 merely reads on the fact that job requirements differ for workers, for example if the absent teacher is a high school science teacher who teaches AP Physics and basic chemistry, a replacement is required to have a college degree and college level classes in both subjects as admitted by applicant at page 5. Therefore, it would have been obvious to one of ordinary skill in the art to include the step of providing a list

Art Unit: 2771

of available substitute positions while implementing the method of AAPA in order to find equivalent qualifications in the substitutes.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures:

Thomas L. Dean "Decision Support for Coordinated Multi-Agent Planning", ACM 1986, pages 81-91.

Shostak (US 5,913,029) teaches a distributed database system and method.

Barnewall et al (US 5,634,055) teach a method for selecting assignments.

Factor (US 6,058,423) teaches a method for locating resources in a distributed network.

Asplen, Jr. (US 6,044,354) teaches a computer-based product planning system.

Crockett (US 5,325,292) teaches tour/schedule generation for a force management system.

Crockett et al (US 6,144,355) teach skills-based scheduling for telephone call centers.

Kocur (US 5,913,201) teaches a method an apparatus for assigning a plurality of work projects.

Endo (US 5,974,392) teaches a work flow system for task allocation and reallocation.

Castonguay et al (US 5,911,134) teaches a method for planning, scheduling and managing personnel.

Art Unit: 2771

McGovern et al (US 5,918,207) teach a process and system for predictive resource planning.

Walker et al (US 5,884,270) teach a method and system for facilitating an employment search incorporating user-controlled anonymous communications.

Clark et al (US 5,164,897) teach an automated method for selecting personnel matched to job criteria.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen Le whose telephone number is (703) 305-4134. The examiner can be reached on Monday through Thursday from 7:00am to 5:30pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703)305-9707.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703)308-9051, (for formal communications intended for entry)

or:

(703)308-5403 (for informal or draft communications, please label

PROPOSED or DRAFT)

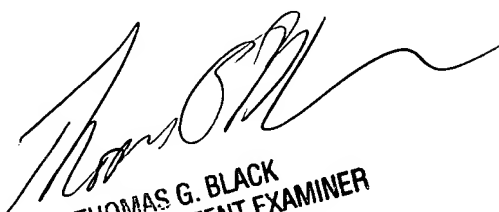
Art Unit: 2771

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the Group receptionist whose telephone is (703)305-
3900.

UL

05/12/00



THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 2700